

### **REMARKS**

Claims 1-6 were examined and reported in the Office Action. Claim 1 is rejected.  
Claims 1-6 remain.

Applicants request reconsideration of the application in view of the following remarks.

#### **I. 35 U.S.C. §102**

A. It is asserted in the Office Action that claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,640,239 issued to Takamiya et al ("Takamiya ").  
Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's claim 1 contains the limitations of

a transparent member having a refraction index being different from a refraction index of an air; and a holder for supporting the transparent member in such a way that the transparent member is placed in an optical path of the laser beam; wherein the transparent member changes a reference distance of the laser displacement sensor by changing the optical path of the laser beam.

In other words, in Applicant's claimed invention the transparent member is located between the laser displacement and the target object, and also changes a reference distance of the laser displacement sensor.

Takamiya discloses a device for optically measuring the displacement information of a moving object in a non-contact manner. Further, Takamiya discloses an optical device having an electrooptic crystal on which a light beam is to be incident, and electrodes for applying a voltage to the electrooptic crystal. The electrooptic crystal is disposed in an optical system in which the angles of light rays in the light beam temporally or spatially change, and the electrodes are disposed, so that its voltage application direction is parallel to both the optic axis of the electrooptic crystal and the direction of polarization of the light beam incident on the electrooptic crystal, or is parallel to one of the optic axis and the direction of polarization and is perpendicular to the other.

In Takamiya, the mirror only changes a path of the light beam (see Takamiya, column 6, lines 6-9 “The two light beams 5c and 5d emerging from the electrooptic crystals 10a and 10b at the same angle as the incident angle are deflected by mirrors 21a and 21b.”) Moreover, the mirror does not change a reference distance of electrooptic crystal. Further, Takamiya does not teach, disclose or suggest changing the reference distance of the laser displacement sensor. In fact, nowhere in Takamiya is a reference distance of a laser displacement sensor mentioned. Takamiya does not teach, disclose or suggest “a holder for supporting the transparent member in such a way that the transparent member is placed in an optical path of the laser beam; wherein the transparent member changes a reference distance of the laser displacement sensor by changing the optical path of the laser beam.”

Therefore, since Takamiya does not disclose, teach or suggest all of Applicant’s claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Takamiya. Thus, Applicant’s claim 1 is not anticipated by Takamiya.

Accordingly, withdrawal of the 35 U.S.C. §102 (b) rejections for claim 1 is respectfully requested.

**II. Allowable Subject Matter**

Applicant notes with appreciation the Examiner's assertion that claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully asserts that claims 1-6, as they now stand, are allowable for the reasons given above.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely 1-6, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: February 2, 2006

By: \_\_\_\_\_

Steven Laut, Reg. No. 47,736

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on February 2, 2006.

\_\_\_\_\_  
Jean Svoboda